

REMARKS

This Request for Reconsideration is offered in response to the Office Action of June 15, 2005.

At the outset, the Applicants wish to thank the Examiner for the various telephone conversations between the Examiner and Applicants' Attorney in order to aid the Applicants' Attorney's understanding of the Office Action. One of the issues resolved was that paragraph 6, "Allowable Subject Matter", was unintentional and should be disregarded.

The Office Action rejected Claims 18-21 under 35 U.S.C. §102(e) as being anticipated by the Johnson references (U.S. Patent No. 6,174,397 and U.S. Patent No. 6,321,423).

As discussed with the Examiner, the Office Action of December 15, 2004 suggested that this rejection could be overcome by a Rule 132 Declaration stating "that any invention but not claimed in the reference was derived from the inventor of this application and thus not the invention 'by another'" (quoting from Office Action). It is respectfully submitted that all information included in such a Declaration is established by the present record and that any such declaration would be trivial. In other words, such a declaration would be James Johnson declaring that all information from the prior art patents of which he was a sole inventor was derived from James Johnson. As further discussed with an Examiner, a Rule 132 Declaration might be required in the instance where the prior art included additional inventors (along with common inventors) from those in the application under examination. However, such a declaration should not be required here.

It is therefore respectfully submitted that the rejections under 35 U.S.C. §102(e) have been overcome.

With respect to the obviousness-type double patenting rejection with respect to U.S. Patent No. 6,110,586, the Applicant will file a terminal disclaimer, if necessary, after the application is otherwise in condition for allowance.

In view of the above, each of the claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald E. Brown", with a long horizontal flourish extending to the right.

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